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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,800	07/25/2003	Wing Hon Tsang	PA020017	2667

7590 12/26/2008
JOSEPH S. TRIPOLI
THOMSON LICENSING INC.
2 INDEPENDENCE WAY, Suite 200
P. O. BOX 5312
PRINCETON, NJ 08543-5312

EXAMINER

WENDMAGEGN, GIRUMSEW

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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12/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/627,800	Applicant(s) TSANG ET AL.	
	Examiner GIRUMSEW WENDMAGEGN	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/08/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, see page2-3 , filed 10/08/2008 with respect to the rejection(s) of claim(s) 1,4-5,8 and 11-13 under 35 U.S.C. 102 been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art reference.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim1, 4, 11-13 is rejected under 35 U.S.C. 102(b) as being anticipated by Furukawa et al (Patent No US 6,388,960).

Regarding claim1,11,13, Furukawa et al (hereinafter Furukawa) anticipates method for determining the format of an optical recording medium comprising one or more sessions, each session comprising a table of contents and one or more tracks, the method comprising the steps of: reading the table of contents of a first session of the recording medium (see figure2 s9 read TOC) ; checking whether more than one track is present in the first session and/or whether at least one track is indicated as being an

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audio track in the table of contents(see figure 2 s15; column6 line 52-55) ; and determining the format of the recording medium to be audio if at least one of the checking steps yields a positive result and determining the format to be data else (see figure2 s15, s17).

Regarding claim4, Furukawa anticipates method according to claim 1, where in the checking steps are based on data in the table of contents, which must not be altered to ensure compatibility with standard audio format players (see column6 line 52-55).

Regarding claim12, Furukawa anticipates Disc format determination module according to claim11, wherein it is interposed in the communication between an optical leading unit and a servo controller module (see figure1 and column6 line18-51).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim2-3, 5-7 rejected under 35 U.S.C. 103 (a) as being unpatentable over Furukawa ET al (Patent No US 6,388,960).

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Regarding claim2, 3, 6, see the teaching of Furukawa. Furukawa does not teach checking whether the recording medium comprising more than one session; checking the number of tracks. However it is old and well known in the art that Table of content have information about the number of session and number of track in each session. Therefore official notice is taken.

Regarding claim5, 7, see the teaching of Furukawa above. Furukawa does not teach table of contents comprises address data and pointer data. However it is old and well known in the art table of content (TOC) includes address data and pointer data. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to include address data and pointer data in to table of content because it would make accessing the medium much effective.

Claim9-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Furukawa ET al (Patent No US 6,388,960) as applied to claim1-8 above, and further in view of Hagashi (patent No US 7,154,822).

Regarding claim9, 10, see the teaching of Furukawa above. Furukawa does not teach adapting data in the table of contents to values corresponding to the determined format of the recording comprising control bits and address data. However Hagashi teaches control bits and address data (see column8 line17-20).

One of ordinary skill in the art at the time the invention was made would have been motivated to include control bits and address data in to table of content because it would make accessing the medium much effective.

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIRUMSEW WENDMAGEGN whose telephone number is (571)270-1118. The examiner can normally be reached on 7:30-5:00, M-F, alr Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Girumsew Wendmagegn/
Examiner, Art Unit 2621

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621